

NORTH VALLEY HOSPITAL



PLANETREE-patient centered care in a healing environment

EXHIBIT 5
DATE 2/17/2009
HB 362

February 16, 2009

Montana House of Representatives
Judiciary Committee
Testimony about HB 362

Members of the Committee:

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I would like to address the origins of HB 362. It is satisfying to me that a number of community and health care entities have come together to address a major health concern. Based on the best medical and scientific information it became obvious that a flu pandemic or similar large scale medical event would immediately overwhelm our existing ability to care for the sick or injured. Our planning groups in the Flathead County realized that there were many ethical concerns involved with this eventuality.

If, as we have assumed in our planning scenarios, thirty percent of Flathead County residents would become acutely ill from an avian flu pandemic, then up to thirty thousand people will need immediate attention in clinics and hospitals at any one time. It is also likely that a flu pandemic will come in waves further stressing existing health care systems. How can existing systems handle the severity of this possibility and do so with the conventional expectations of health care? An event like this has happened before during the Spanish Flu pandemic in 1917-1918. It has happened more recently during and after Hurricane Katrina.

The Ethics Committee of our county planning group recognized conflicts in terms of staff resources, distribution of vaccines and antivirals, IV therapy, ventilator care and myriad other issues. It became obvious that we could not meet conventional standards of care. We decided to research the issue further by taking the following measures:

- Establish a joint hospital and city-county health department committee that would examine the ethical concerns of a major disaster or emergency;

- Develop initiatives and policies that establish an ethical framework for decisions in the face of an overwhelming crisis;
- Develop common policies for the two acute care facilities in the Flathead which will be adopted by the respective hospitals.

From this work we realized two essential facts:

- Licensed health care professionals needed civil liability protection when conventional or usual standards of care cannot be met.
- Neither the health department nor the hospitals could appoint themselves to be the agent that declares or determines when standards of care have to be adapted or altered.

As a consequence, we authored HB 362 in order to secure civil liability protection for licensed health care professionals and to secure legitimacy for the use of disaster medicine. I urge you to support HB 362 and I appreciate your consideration.

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